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## Service dogs helping with invisible disabilities

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- 9 Wants to Know talked to businesses that did not make it easy for service dogs. 9NEWS at 10 p.m. January 3, 2007.

KUSA - Michelle Penfold has a different answer when folks ask if they can pet her dog.

"I'll say, 'Well if you'd like to pet my arm first, you're more than welcome to,'" Penfold, 40, said with a laugh. "Because that's how it is for me - she's a personal part of my body. And that's how I explain it to people - and I say it in a nice way."

Penfold's 8-year-old Border Collie mix, Splash, is a trained psychiatric service dog, or emotional support service dog, a term most handlers prefer.

For the past four years, Splash has assisted Penfold, who has an anxiety disorder, by alerting her to the onset of an anxiety attack and calming her during it.

While the use of service dogs for the blind and hearing impaired has long been accepted, the use of trained service dogs for those with an invisible disability is only now on the rise. The Psychiatric Service Dog Society estimates there are 2,000 of such dogs in the U.S., and the issue brings with it many challenges. Owners of an emotional support service dog often face an array of questions from a curious public about their dog, and can also encounter opposition from some service providers who mistake the canines for pets, and not working animals.

In addition, confusion abounds on whether emotional support service dogs are recognized under the law. In Colorado, where the law concerning service dogs is considered outdated by many disability rights experts, service dogs are allowed public access only for those with physical disabilities. This is trumped by the Americans with Disabilities Act (ADA), which allows public access for trained service dogs for any type of disability.

As a manager of volunteer services at Exempla Good Samaritan Medical Center in Lafayette, Penfold takes Splash with her to work every day, and the two make rounds at the hospital. Penfold carries copies of the ADA that include an 800 number to the U.S. Dept. of Justice ADA information line (800-514-0301). Both at work and out in public after hours, she patiently explains to curious onlookers that Splash is not a pet.

"And then they get it - and it's like, 'Oh, okay,' and then that starts the dialogue about educating them about what a service dog does," Penfold said.

It is not always that easy.

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On a recent trip out of state, Penfold said, it took more than an hour to explain to the hotel staff that Splash was not a pet and that under federal law, the hotel could not charge her extra for having Splash in her room.

The issue of access with an emotional support service dog is one that arises often. Legal experts say that an emotional support service dog, like any other working animal, is allowed anywhere their owner goes.

"The law generally supports that," said Tim Fox, a Denver attorney who specializes in disability rights. "The ADA has a couple of requirements. One is that the person is disabled and the second is that the animal constitutes a service animal. But assuming those two requirements are met, then people will have virtually unfettered access to all businesses."

As far as what constitutes a service animal, Fox said the ADA requires some level of training.

"Courts often try to distinguish between simply a pet and a service animal," he said, "and the biggest distinction that they look to is whether there's been any training of the service animal."

This training, Fox said, does not need to be done by any kind of professional trainer, nor does it require any certification or any documentation.

State law in Colorado, however, is different.

"Generally the state law is pretty antiquated," he said. "It was written many years ago and hasn't been updated since then. And it is limited in its protection to service dogs and not other types of animals, and only dogs that assist persons that are visually impaired, hearing impaired, or have physical disabilities."

For example, Fox said, "Under the language of the statute as it exists right now, it would not apply to somebody with Post Traumatic Stress Disorder," a disability recognized under the federal law.

"Some states have better state laws," he added, "but Colorado's law really needs to be updated."

Because of a legal doctrine called preemption, Fox said, any time a federal law conflicts with a state law, the federal law takes precedent.

"So if the Colorado state law, for example, permitted a business owner to keep out a service animal, but the ADA did not, the ADA would win."

In addition, Fox said, when presented with a service dog, businesses are prohibited from going into personal details of someone's life. They can ask two things: Is this a service animal and what does it do for you?

The owner does not have to provide any kind of documentation or certification, he said, and the dog does not have to wear a vest or any kind of markings, although taking such actions can be a good precaution to prevent hassles, he said.

If refused service somewhere, Fox said, a service dog's owner can call local police but they will have little recourse to enforce a federal law. In such cases, he suggested calling an attorney.

Pat Schwartz, who owns Golden Kimba Service Dogs in Lafayette, agrees that Colorado law regarding service dogs needs to be changed to address emotional support service dogs. In addition, says Schwartz, who has been training disability dogs for six years, the federal law needs to be specific about what kind of training is required to constitute a service dog.

"There's no national standard," she said, adding that certain groups were working on one.

The 61-year-old Schwartz, who is certified by East Coast Assistance Dogs of Hobbs, New York, has stringent standards for the certification of a service dog, she said. Training of a disability dog typically takes two years, she said, beginning with socialization and extensive obedience training before specializing in the type of service the dog will provide. Due to that

intensive training, Schwartz said, she typically trains only three dogs in her home at a time.

To be certified by Schwartz, she said the dog and client must pass the Assistance Dogs International public access test - and recertify under the ADI test every year.

Schooling of these puppies ideally begins in the whelping box, she said.

"It's good to put things like balls of aluminum foil, metal spoons and key rings in the box," Schwartz said, "to get them used to the unusual taste of metal and not be shy of it" so that later, they will retrieve any object for their owner.

In addition, she said, tug toys are tied to the edge of the box to encourage the motion that will later open doors or pull an owner to safety.

When training a new dog with a client, she will see that client once a week, she said, or twice a week if the client is retraining their own dog.

When Schwartz places a full trained dog with a new client, that client goes through two weeks of intensive training in their home, she said. The cost for a fully trained emotional support service dog is \$3,000, Schwartz said, while a fully trained physical disability dog can run from \$5,000 to \$7,000.

There are scholarships, endowments and grants available to help with the cost, she said.

The benefit, she said, can be immeasurable.

Schwartz said that services an emotional support service dog can provide include: Reminding an owner to take their medication, and bringing it to them; dialing 911 on a specialized phone in an emergency or giving a bark alert during an emergency; lead the owner to safety if they are having a panic attack; help prevent crowding in public and alert the owner to a panic or anxiety attack, as well as comfort them during such an attack

In addition, Schwartz said, the dogs bring the world to a person who is isolated.

"A person with severe depression has to get up out of that bed, has to walk that dog, has to feed that dog," Schwartz said. "They also have to leave the house to purchase the food for the dog. And we do not allow anyone to care for the dog except for the client who has bonded with the dog."

There is one additional thing Schwartz tells all her clients to consider.

"A person who has a psychiatric illness has to realize that once they accept the responsibility of a psychiatric service dog--yes, they will have tremendous love, and tremendous solace, and probably their psychiatric condition will improve," she said. "However, they are no longer invisible. Everyone looks at you. Everyone looks at service dogs when they're out in public."

That is a situation that Beverly Kondel and Debora Johnson both know first hand.

The two women, both military veterans, met at the Denver Veteran's Administration Medical Center. Both are disabled under the U.S. government for Post Traumatic Stress Disorder, caused by military sexual trauma, and both women use trained emotional support service dogs to cope with everyday life.

"If it weren't for her," said the 51-year-old Kondel, referring to her 8-year-old service dog, Jasmine, "I'd be living a life of solitude in my home, and having to make appointments to get food in the house and waiting for handouts from people to give me clothes because I couldn't go shopping. That's not a fun way to live. Not at all," she said. "And she's changed that for me."

Johnson, 55, owns a 3-year-old Standard Poodle emotional support service dog, Stryder. She echoed Kondel's thought, adding that the women learn to cope with the extreme mood swings of their disorder in part for the sake of their dogs. They are mindful to keep calm when confronted about their dogs in public by someone who does not know the law, Johnson said, because if they were to create an angry scene and be arrested, their dogs could be taken.

"These dogs help us keep our temper problems and our PTSD under control. We have to," she

said. "If we love our animals and devote ourselves to them the way they are devoted to us, we have no choice."

Kondel said the public reaction she gets to her dog is mixed, in part due to the fact that Jasmine is a Jack Russell Terrier.

"You know, most people are nice about it, but then there are some people that just don't get it - and especially because she's so little," she said. "So it's really hard to make them understand that she really can help me. But I don't want to go into a long dissertation with a stranger about what's wrong with me."

So, despite the fact that Jasmine alerts her to anxiety, reminds her to take medication and calms her during a panic attack, Kondel said, she simply tells people that her dog takes care of her.

To try and prevent questions, both Jasmine and Johnson's dog, Stryder, wear vests that say, "Service Dog" at all times when they are in public, the women said, and they both carry copies of the ADA.

That has not prevented them from being refused service in Denver restaurants when accompanied by their dogs, they said, and each has been hassled in other public places in the Denver-metro area, ranging from airports to hospitals.

In September, Johnson flew to Ohio to attend a funeral, she said, and alerted the airline and hotel before the trip that she would be accompanied by a service dog. She also carried copies of the ADA.

Everything went fine, she said, until her final flight from Chicago to Denver on United Airlines. Forced to sit in a cramped area, her service dog, Stryder, finally stood up to stretch, and two off-duty flight attendants loudly protested his presence, she said, talking about the situation in a derogatory way to other passengers.

"He had sat there for more than an hour, while the plane was delayed in take-off," Johnson said, "not moving, and for 45 minutes while the plane was in the air."

Since Stryder wears a full leather harness with a handle to help Johnson walk at times, she decided to take it off during the flight so he would be more comfortable, she said. His vest, regular collar and leash remained, she said, yet after the flight, she was taken onto the concourse by other United Airlines staff and lectured for not making better seating arrangements and for taking off his service dog "markings."

Johnson showed them a copy of the ADA, she said, and asked for police several times, yet the staff would not call them.

"It was horrifying," said Johnson, who was in a wheelchair. "To be taken out to the concourse and lectured to, like I'm some kind of moron, and to be told the rules when they didn't even know what the rules were."

On September 14, Johnson filed a complaint with the U.S. Department of Transportation.

On September 15, she received a phone call from Judith Bishop, vice president for United Airline's customer contact center, who apologized.

"She was very friendly and sounded very sincere," Johnson said.

Yet that apology was negated, Johnson said, by a letter she received in October from another United customer relations representative who said that United was not in violation of any laws during the situation.

"I still felt like I was being berated (by the letter)," Johnson said.

Contacted by 9NEWS, United spokeswoman Robin Urbanski said she was very sorry about the way the situation developed.

"We didn't mean to re-offend her with the letter," Urbanski said, "and we'll use this case as a training example for our crews."

In Kondel's case, the police were called, but they contributed to the problem, she said.

While visiting a friend last year at the Denver VA Medical Center, Kondel said, she was told by a nurse she could not bring her dog into the hospital.

Despite explaining to the nurse that Jasmine was a service dog, Kondel said, the woman called VA police. Kondel tried to tell them that Jasmine was a service dog for her PTSD, she said, but the police officer told her to leave.

A Sept. 20, 2005 VA police report of the incident says in part, "The dog in question was rather small, and was attached to a standard pet leash. The dog was wearing some kind of vest, however no service dog identifiers were visible."

The report also stated that Kondel was asked for, and could not provide, certification for the dog.

Under the ADA, neither standard is legal.

A spokeswoman for the VA said that at the time of the incident, VA staff thought that Kondel's dog was merely a "companion animal."

"It's completely within our policy to allow service animals," Christina White, a VA public affairs officer in Denver, told 9NEWS. "We're sorry about the situation."

Resources:

To contact Pat Schwartz of Golden Kimba Service Dogs, call 720-890-8278 or e-mail [GoldenKimba@aol.com](mailto:GoldenKimba@aol.com).

For more information from the U.S. Dept. of Justice concerning service animals, go to <http://www.usdoj.gov/crt/ada/animal.htm>.

For the Psychiatric Service Dog Society, go to <http://www.psychdog.org/>.

For Assistance Dogs International, go to <http://adionline.org/>.

For the International Association of Assistance Dog Partners, go to <http://www.iaadp.org/>.

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